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EXAMINER

RAY, GOPAL C

ART UNIT PAPER NUMBER

2111

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/893,102

Applicant(s)

MEERT ET AL.

Examiner

Gopal C. Ray

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 11-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 11-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

1. The examiner acknowledges the cancellation of claims 7-10 by the amendment filed on 2/20/04. Claims 1-6 and 11-21 are presented for examination.
2. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification. Furthermore, all claims should be revised carefully to eliminate all grammatical errors and antecedent basis problems.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4-6, 12-15 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,473,499 issued to Weir.

As per claim 1, the reference of Weir teaches "a power line for receiving power from the computer system ..." in Fig. 1, element 27; "a ground line" in Fig. 1, element 28; "an input/output line" in Fig. 1, element 26 and "a switch element coupled to said power line and said ground line between said power line and the load, wherein said switch element disables said power line until said ground line is coupled to a ground of the computer system" in Fig. 1, element 23.

As per claim 2, the reference of Weir teaches the added limitations of the claim in col. 2, lines 12-18.

As per claims 4-6, the claims are rejected for similar reasons as discussed in the rejection of claim 2.

As per claim 12, the claim is rejected for similar reasons as discussed in the rejection of claim 1 with the exception of "a processor and a memory". However, the reference of Weir inherently teaches the features because Weir's invention is useable in a computer system.

As per claims 13 and 15, the claims are rejected for similar reasons as discussed in the rejection of claims 2 and 6 respectively.

As per claim 14, the claim is rejected for similar reasons as discussed in the rejection of claim 1 with the exception of "an input/output line". However, the reference of Weir teaches the feature in Fig. 1, element 26.

As per claims 17-19, the claims recite methods which parallel apparatus claims 12-14 respectively. In teaching the construction and use of the device, US Patent 5,473,499 issued to Weir teaches corresponding methods.

5. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 11, 16, 20 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent 5,473,499 issued to Weir in view of US Patent 5,881,251 issued to Fung et al.

As per claim 3, the claim is rejected for the same reasons as discussed in the rejection of claim 1 with the exception of the limitation "the switch comprising: a first

Art Unit: 2111

source, a first gate and a first drain". However, the above feature was well known to one of ordinary skill in the art at the time the invention was made as evidenced by Fung et al. The reference of Fung et al. teaches the feature in Fig. 1, elements S, G and D. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Weir to implement the above feature of Fung et al. because these are alternatively useable parts/components known in the art at the time of the invention as falling within the normal scope of experimentation by one of ordinary skill in the art and hence a design choice. It is up to the designer to choose a particular element well known in the art suitable for a computer system such as applicant's.

As per claim 11, the claim is rejected for similar reasons as discussed in the rejection of claim 3.

As per claim 16, the claim is rejected for similar reasons as discussed in the rejection of claim 11.

As per claims 20-21, the claims are rejected for the same reasons as discussed in the rejection of claim 17 with the exception of "a second voltage" (claim 20) and "one of said first and second voltage is  $V_{cc}$ " (claim 21). However, the above feature was well known to one of ordinary skill in the art at the time the invention was made as evidenced by Fung et al. The reference of Fung et al. teaches the feature in col. 1, lines 53-64 and Fig. 1, element Vn. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Weir to implement the above feature of Fung et al. because these are useable parts known in the art at the time of the invention as falling within the normal scope of experimentation by one of ordinary

Art Unit: 2111

skill in the art and hence a design choice. It is up to the designer to choose a particular element well known in the art suitable for a computer system such as applicant's.

Furthermore, it has been held that duplicating parts for a multiplied effect involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co. Inc., 193 USPQ 8, 11 (7<sup>th</sup> Cir.

1977).

7. Applicant's arguments filed on 2/20/04 have been fully considered but are moot in view of the new ground(s) of rejection. Furthermore, applicant argues that Fung does not employ a switch between a load and power for the load. However, the reference of Weir teaches the feature in Fig. 1, element 23.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gopal C. Ray whose telephone number is (703) 305-9647. The examiner can normally be reached on Monday - Friday from 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart, can be reached on (703) 305-4815. The new fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [[mark.rinehart@uspto.gov](mailto:mark.rinehart@uspto.gov)].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record

Art Unit: 2111

includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to TC2100 receptionist whose telephone number is (703) 305-3900.

*Gopal C. Ray*  
GOPAL C. RAY  
PRIMARY EXAMINER  
GROUP 2800